

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Steven Benedict and Rayma Benedict v. Tonya Hill and Charles Edward Hill, Jr.

No. 03-24-00307-CV (Tex. App.—Austin Apr. 9, 2026) · No. No. 03-24-00307-CV · Decided April 9, 2026

SUMMARY

The Texas Court of Appeals, Third District, abates and remands the appeal to permit the trial court to clarify whether its order granting a plea to the jurisdiction was intended to be final and appealable. The trial court’s order dismissed the Benedicts’ petition to modify the parent-child relationship but did not expressly resolve Tonya Hill’s request for attorney’s fees, creating uncertainty about finality and appellate jurisdiction. The appellate court directs that supplemental records be filed by May 5, 2026, after which the appeal will be reinstated.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                       |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Texas Court of Appeals, Third District, at Austin                                                                                                                                                                                                                                                                                     |
| WRITING FOR THE COURT | Per Curiam; Chief Justice Byrne; Justice Crump; Justice Ellis                                                                                                                                                                                                                                                                         |
| JURISDICTION          | Texas Court of Appeals, Third District, at Austin                                                                                                                                                                                                                                                                                     |
| DECIDED               | April 9, 2026                                                                                                                                                                                                                                                                                                                         |
| DOCKET                | No. 03-24-00307-CV                                                                                                                                                                                                                                                                                                                    |
| DISPOSITION           | remanded                                                                                                                                                                                                                                                                                                                              |
| PROCEDURAL POSTURE    | Interlocutory appeal from an order granting Tonya Hill's plea to the jurisdiction and dismissing the Benedicts' petition to modify the parent-child relationship. The appellate court abated and remanded the appeal because the order's finality was ambiguous and it did not clearly dispose of Hill's request for attorney's fees. |
| STANDARD OF REVIEW    | The court independently determines, sua sponte, whether it has appellate jurisdiction. The opinion does not identify a separate standard of review for the plea to the jurisdiction.                                                                                                                                                  |
| PRECEDENTIAL VALUE    | Published opinion                                                                                                                                                                                                                                                                                                                     |
| PARTIES               | Steven Benedict, Rayma Benedict v. Tonya Hill, Charles Edward Hill, Jr.                                                                                                                                                                                                                                                               |

TOPICS

final judgment rule

appellate jurisdiction

appellate procedure

family law procedure

civil procedure

## PRACTICE AREAS

family law

civil procedure

appellate procedure

## QUESTIONS PRESENTED

1. Whether the trial court's April 29, 2024 order was final and appealable when it dismissed the Benedicts' claims but expressly did not rule on Hill's request for attorney's fees.
2. Whether the appellate court should abate and remand the appeal to permit the trial court to clarify whether its order was intended to be final.

## HOLDINGS

1. The order was ambiguous as to finality and did not meet either recognized test for finality because it neither actually disposed of all claims and parties nor stated with unmistakable clarity that it was final as to all claims and parties.
2. When the finality of an appealed order is ambiguous, the appellate court may abate the appeal and remand for the trial court to clarify its intent.

## KEY QUOTATIONS

*“If the appellate court is uncertain about the intent of the order, it can abate the appeal to permit clarification by the trial court.” (at 1)*

*“Absent a conventional trial on the merits, a judgment “is final for purposes of appeal if and only if either it actually disposes of all claims and parties then before the court, regardless of its language, or it states with unmistakable clarity that it is a final judgment as to all claims and all parties.”” (at 2)*

*“Generally, a judgment that does not include finality language and that fails to rule on a party’s claim for attorney’s fees is not final for purposes of appeal.” (at 3)*

## FACTUAL BACKGROUND

The Benedicts sought to modify the parent-child relationship. Tonya Hill challenged their standing through a plea to the jurisdiction and requested attorney's fees. The trial court granted the plea and dismissed the Benedicts' claims, but its order stated that it was making no ruling on Hill's requested relief, while later findings of fact and conclusions of law suggested the court may have intended the order to be final.

## PROCEDURAL HISTORY

The Benedicts filed a petition to modify the parent-child relationship. Hill filed a plea to the jurisdiction asserting that the Benedicts lacked standing and also requested attorney's fees. The trial court granted the plea and dismissed the Benedicts' claims, but expressly made no ruling on Hill's requested relief. After the appellate court questioned whether the order was final and appealable, it abated and remanded the matter for the trial court to clarify its intent and, if necessary, modify or amend the order.

## DISPOSITION

remanded

## REMAND INSTRUCTIONS

The appeal is abated and remanded to the trial court to clarify its intent regarding the finality of the order. The trial court may modify the order, issue an amended order, or take any other action necessary, including holding a hearing. A supplemental clerk's record and any supplemental reporter's record must be filed by May 5, 2026, after which the appeal will be reinstated.

## CASES CITED

- *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195, 206 (Tex. 2001)
- *Bella Palma, LLC v. Young*, 601 S.W.3d 799, 801 (Tex. 2020) (per curiam)
- *Morath v. Elizondo*, No. 03-23-00125-CV, 2025 WL 270611, at \*1 (Tex. App.—Austin Jan. 23, 2025) (per curiam) (mem. op. & order)
- *Freedom Commc'ns, Inc. v. Coronado*, 372 S.W.3d 621, 624 (Tex. 2012)
- *Sabre Travel Int'l, Ltd. v. Deutsche Lufthansa AG*, 567 S.W.3d 725, 736 (Tex. 2019)
- *In re Guardianship of Jones*, 629 S.W.3d 921, 924 (Tex. 2021) (per curiam)
- *In re R.R.K.*, 590 S.W.3d 535, 543-44 (Tex. 2019)
- *McNally v. Guevara*, 52 S.W.3d 195, 196 (Tex. 2001) (per curiam)
- *In re M.B.*, No. 01-20-00003-CV, 2021 WL 4095252, at \*4 (Tex. App.—Houston [1st Dist.] Sept. 9, 2021, no pet.) (mem. op.)
- *De Los Salmones v. Anchor Dev. Grp., LLC*, No. 14-20-00720-CV, 2022 WL 1218541, at \*2 (Tex. App.—Houston [14th Dist.] Apr. 26, 2022, no pet.) (mem. op.)
- *D.L.J. v. M.D.S.*, No. 03-25-00696-CV, 2025 WL 3247111, at \*2 (Tex. App.—Austin Nov. 21, 2025, no pet.) (per curiam) (mem. op. & order)